

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

PRUDENTIAL FINANCIAL, INC.,

Plaintiff,

v.

Civil Action No. 04-5465 (KSH)

CARCO GROUP, INC.,

Defendant.

**ORDER**

**KATHARINE S. HAYDEN, U.S.D.J.**

**THIS MATTER** having been brought to the Court's attention pursuant to cross motions for summary judgment; the Court having considered the written submissions by the parties, and for good cause shown and for the reasons more fully set forth in the opinion of this Court,

**IT IS** on this     day of June, 2006, hereby

**ORDERED** that Prudential's motion for summary judgment (document #21) is **granted** as to the claims of contractual indemnity (count 1) and breach of contract (count 3), and **denied** as to the claim of common law indemnity (count 2); and Carco's motion for summary judgment (document #18) is **denied; it is further**

**ORDERED** that Carco's counterclaims are **dismissed**. This case is closed.

/s/ Katharine S. Hayden  
**KATHARINE S. HAYDEN, U.S.D.J.**